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IN COMMON PLEAS COURT

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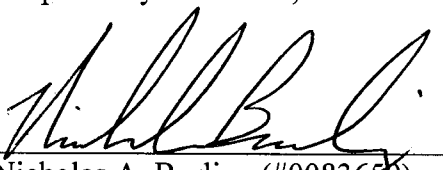
DENISE M. KAMINSKI  
CLERK OF COURTS  
GEAUGA COUNTY

IN THE COURT OF COMMON PLEAS  
GEAUGA COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 12 C 000058
Plaintiff	)	
	)	JUDGE DAVID L. FUHRY
vs.	)	
	)	STATE'S RESPONSE TO
THOMAS M. LANE, III,	)	MOTION TO SUPPRESS
Defendant	)	STATEMENTS

NOW COMES THE STATE OF OHIO, by and through Assistant Prosecuting Attorney Nicholas A. Burling, and hereby moves this Honorable Court to deny the Defendant's Motion to Suppress Statements on grounds the Defendant had been fully informed of his *Miranda* Rights prior to any questioning and the Defendant knowingly and voluntarily waived his rights. A memorandum in support is attached hereto and incorporated herein.

Respectfully submitted,

  
Nicholas A. Burling (#0083659)  
Assistant Prosecuting Attorney  
Geauga County Prosecutor's Office  
231 Main Street, 3<sup>rd</sup> Floor  
Chardon, OH 44024  
(440) 279-2100

## MEMORANDUM IN SUPPORT

### STATEMENT OF FACTS

On February 27, 2012, Deputy Jon Bilicic of the Geauga County Sheriff's Office arrested the Defendant on Woodin Road at 8:36 a.m. Deputy Bilicic advised the Defendant of his *Miranda* rights after placing the Defendant into his vehicle. The Defendant indicated he understood his rights and spoke with Dep. Bilicic until arriving at the Sheriff's Office at 9:00 a.m.

The Defendant was taken from the vehicle to a room for further questioning. Before proceeding with the interview, Detective Juanita Vetter confirmed that the Defendant had been advised of his *Miranda* rights and that he knew that they still applied during the interview.

Around 11:00 a.m., Detective Aaron Graley and Officer Matt Delisa provided the Defendant with a form to write a statement. They advised the Defendant that he was not obligated to provide a written statement and gave the Defendant the opportunity to review his rights. The Defendant stated that he remembered his rights and proceeded to write a statement. Immediately after finishing the statement, the Defendant confirmed that he wrote the statement voluntarily and he was told again that he did not have to answer questions.

Later in the interview, Det. Graley asked the Defendant if he remembered his *Miranda* rights. Although the Defendant could not recite all of his rights, he did recall that he had the right to remain silent and that anything he said could be used against him in a court of law. Det. Graley then reread his *Miranda* rights. The Defendant signed a written waiver of these rights and reiterated that he wanted to talk to the police.

The Defendant was subsequently charged with three counts of aggravated murder, R.C. §2903.01, two counts of attempted aggravated murder, R.C. §§2323.02(A) and 2903.01(A) and felonious assault, R.C. §2903.11(A)(2).

## LAW AND ARGUMENT

1. **The Defendant was informed of his *Miranda* rights by Dep. Bilicic when he was taken into custody, and the advisement was sufficient to extend to the interview conducted at the Sheriff's Office.**

An individual subject to custodial interrogation must be advised of his rights before any statements the individual makes are admissible in court. *Miranda v. Arizona* (1966), 384 U.S. 436, 444, 86 S.Ct. 1602, 16 L.Ed.2d 694. Custodial interrogation is "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Id.*

In the present case, Dep. Bilicic advised the Defendant of his *Miranda* rights immediately after he was arrested, stating:

Q: You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to an attorney and have him present during questioning. If you can't afford one, one will be appointed at no cost. Do you understand that? If you decide to answer, you can stop answering at any time. Got that?

A: Yes.

Q: What happened?

(Exhibit 1, Transcription of the Police Cruiser Video Involving Thomas M. Lane III, February 27, 2012, 3:7-16).

The Defendant went on to answer Deputy Bilicic's questions in the police cruiser while he was being transported to Geauga County Sheriff's Office. When they arrived at the Sheriff's Office, the Defendant was taken to an interview room where he remained during the course of the interview.

The Defendant does not contest the adequacy of the *Miranda* warnings given in the police cruiser or his waiver of these rights. Instead, the Defendant alleges that his statements made at the Sheriff's Office should be suppressed because he was not mirandized again at the beginning of that portion of the interview. However, it is well established that a suspect who receives adequate

*Miranda* warnings before a custodial interrogation does not need to be warned again before each subsequent interrogation. *State v. Treesh*, 90 Ohio St.3d 460, 470, 739 N.E.2d 749 (2001), citing *Wyrick v. Fields* (1982), 459 U.S. 42, 48–49, 103 S.Ct. 394, 74 L.Ed.2d 214.

In determining whether initial *Miranda* warnings remain effective for subsequent interrogations, courts look to the totality of the circumstances. *State v. Roberts*, 32 Ohio St.3d 225, 232, 513 N.E.2d 720 (1987). The Ohio Supreme Court established the following criteria for courts to consider:

- (1) the length of time between the giving of the first warnings and the subsequent interrogation;
  - (2) whether the warnings and the subsequent interrogation were given in the same or different places;
  - (3) whether the warnings were given and the subsequent interrogation conducted by the same or different officers;
  - (4) the extent to which the subsequent statement differed from any previous statements; and
  - (5) the apparent intellectual and emotional state of the suspect.
- Id.

When analyzing the first factor, the Ohio Supreme Court has consistently admitted statements made more than one day after *Miranda* warnings were given, finding that a later confession was “part of a series of discussions” between the defendant and the police. *State v. Brewer*, 48 Ohio St.3d 50, 59-60, 549 N.E.2d 491 (1992); see also *State v. Powell*, 132 Ohio St.3d 233, 971 N.E.2d 865 (2012) (admitting statements made by defendant 30 hours after being advised of his *Miranda* rights); *State v. Barnes*, 25 Ohio St.3d 203, 208, 495 N.E.2d 922 (1986) (admitting statements that a defendant made 24 hours after defendant was originally advised of his *Miranda* rights). When the defendant also indicates his awareness of his rights, courts are likely to admit the statements. *Brewer*, *supra*.

In the present case, the Defendant was immediately advised of his rights when he was taken into custody and placed in a deputy’s cruiser. He was transported directly to the Sheriff’s

Office and continued to speak with the deputy on the way. Upon arrival, he was brought to the interview room, where he remained for the course of the interview. There were no significant breaks during the interview and the Defendant was continuously in custody. Detective Vetter inquired about the Defendant's waiver of his *Miranda* rights immediately upon his arrival at the Sheriff's Office:

Detective Vetter: Did Detective Bilicic read you your *Miranda* rights?

T.J.: Yes.

Detective Vetter: You realize those *Miranda* rights still apply?

T.J.: Yes.

Detective Vetter: Even though you're out of his car and you're in here now?

T.J.: Yes.

(Exhibit 2, Transcription of Interview of Thomas M. Lane II, February 27, 2012, Gauga County Sheriff's Office, 10:14-23).

The Defendant engaged in questioning for less than four hours before he signed a written waiver of his *Miranda* rights. Like the defendant in *Brewer*, the Defendant demonstrated that he was aware of his rights during the interrogation. The Defendant also turned down the opportunity to review his rights before writing a statement because he remembered them. Exhibit 2, Tr. 117:24- 118:3.

The Defendant argues that he should have been re-advised of his *Miranda* rights at the Sheriff's Office even though he had waived his rights only minutes earlier. The practical implication of this policy would hinder law enforcement's ability to conduct investigations. Because of the short amount of time between his original *Miranda* waiver and the police's repeated efforts to ensure he was aware of his rights, the first factor does not weigh in favor of the Defendant's argument.

The remaining factors considered in the totality of circumstance test are similarly unpersuasive. The fact that the interrogation continued at the Sheriff's Office, a different location than where he originally waived his *Miranda* rights, does not justify re-administering *Miranda*

rights because only minutes had passed and he remained in continuous custody. Although several different officers participated in the interview, every officer ensured the Defendant was aware of his rights and all officers were involved in discussing the same matter.

Lastly, the police officers were not required to re-administer the *Miranda* warnings based on the Defendant's intellectual and emotional state during the interrogation. The Defendant claims that he "repeatedly stated to officers, he had heard voices and felt compelled to shoot people, all indications for the officers that they were interrogating an adolescent with severe mental problems." Even though the Defendant told the police that he felt compelled to shoot people that morning and he had heard voices in the past, there is nothing to indicate that Defendant's intellectual or emotional state was such as to impair his ability to understand his rights. He spoke coherently throughout the interview. Furthermore, the Defendant said he had not heard voices in a long time and stated his belief that he did not need psychological help at the time of the interrogation. Exhibit 2, Tr. 117: 24-25.

Even if he was suffering from mental problems, it would not have made any difference in where or not the officer had to re-*Mirandize* him during the interview. The United States Supreme Court decided that a defendant's waiver is valid even if he suffered from "command hallucinations" which interfered with the ability to make free and rational choices because mental conditions, by themselves, are not dispositive of the issue of voluntary waivers. *Colorado v. Connelly*, 479 U.S. 157, 107 S.Ct. 515, 93 L.Ed.2d 473 (1986).

Based on the totality of the circumstances in the present case, the *Miranda* warnings given in the police cruiser retained their effectiveness throughout the interview at the Sheriff's Office. Therefore, the Defendant was advised of all his rights, including his right to counsel. He indicated that he understood all his rights, and then he proceeded to explain to Dep. Bilicic what had

happened. His behavior and willingness to speak following the advisement of rights demonstrates that he waived those rights. See e.g. *State v. Lather*, 110 Ohio St.3d 270, 853 N.E.2d 279 (2006).

**2. The Defendant's waiver of his rights was made knowingly and voluntarily.**

A defendant's statements "during a custodial interrogation [are] inadmissible at trial unless the prosecution can establish that the accused 'in fact knowingly and voluntarily waived [his] rights' when making the statement." *Berghuis v. Thompson*, 560 U.S. \_\_\_, 130 S. Ct. 2250, 2260, 176 L. Ed. 2d 1098 (2010), quoting *North Carolina v. Butler*, 441 U.S. 369, 373, 99 S.Ct. 1755, 60 L.Ed.2d 286 (1979). "The waiver inquiry 'has two distinct dimensions': waiver must be 'voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception,' and 'made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.'" *Berghuis*, supra, quoting *Moran v. Burbine*, 475 U.S. 412, 421, 106 S.Ct. 1135, 89 L.Ed.2d 410 (1986).

By only seeking to suppress his statements made at the Sheriff's Office, the Defendant concedes that he validly waived his *Miranda* rights in the police cruiser. As shown above, the police were not required to re-administer the Defendant's *Miranda* warnings and obtain another waiver when he arrived at the Sheriff's Office. Therefore, the Defendant's argument that he did not knowingly and voluntarily waive his *Miranda* rights at the Sheriff's Office is without merit. However, an examination of the Sheriff's Office interview is helpful in that it reveals more evidence that the Defendant's waiver of his rights was knowing and voluntary.

The United States Supreme Court has held that the voluntariness of a confession is determined by a totality of the circumstances analysis. *Colorado v. Connelly*, 479 U.S. 157, 166, 107 S.Ct. 515, 93 L.Ed.2d 473 (1986). While the state carries the burden of proving voluntariness by a preponderance of the evidence, evidence of police coercion is necessary for a finding of

involuntariness. *Id.* at 167. Therefore, courts do not need to conduct a totality of the circumstances analysis if there is no evidence of police coercion. Examples of police coercion include physical abuse, threats, and the deprivation of food, medical treatment, or sleep. *State v. Clark*, 38 Ohio St.3d 252, 261, 527 N.E.2d 844 (1988) (rejecting appellant's argument that his statements were involuntary because they were not induced by any physical deprivation, mistreatment, threats or inducements).

In *State v. Treesh*, the Ohio Supreme Court rejected the appellant's argument that his statements were involuntary because his "tiredness" and "cocaine high" impaired his capacity to make informed decisions. 90 Ohio St.3d at 473. However, the court noted that he spoke coherently and was aware of his surroundings. *Id.* Additionally, the police offered the appellant food, drink and disinfectant for a wound. The appellant also read and signed a written waiver of his *Miranda* rights and indicated on several occasions that he understood his rights. *Id.* Therefore, the court held that there was no evidence of any coercive police conduct that would trigger the totality of the circumstances test. *Id.*

Similarly, in *State v. Lynch* the Ohio Supreme Court rejected the appellant's claim that his incriminating statements were made involuntary due to police coercion. 98 Ohio St.3d 514, 523, 787 N.E.2d 1185 (2003). Although the appellant argued that his statements were involuntary because he was worn down by lengthy interrogations, the court rejected this argument because he never refused to answer questions, never asked for the questioning to stop, and never asked for medical attention or a lawyer. *Id.* Additionally, the court noted that the appellant was offered food and drink, he was able to use the restroom, and the police made no threats or promises at any time to gain his cooperation. *Id.*



The appellant also argued that his statements were involuntary because of his low IQ and his inexperience in dealing with the police. *Id.* at 522. Although a defendant's mental condition is a factor in the voluntariness analysis, the court acknowledged that mental condition "by itself and apart from its relation to official coercion" is not dispositive of the issue of voluntariness. *Id.*, citing *Connelly*, 479 U.S. at 164. The appellant's behavior contradicted his argument because he voluntarily drove himself to the police station to answer questions, told police that he read well, he read a copy of the *Miranda* waiver form before waiving his rights, and his written timeline and his taped confession demonstrate his ability to express his thoughts and recall his actions in a rational manner. *Id.* The court held that the defendant's behavior proved that his mental condition did not render his statements involuntary.

In the present case, there is nothing in the record to support the Defendant's argument that police used coercive tactics to get him to waive his rights or to elicit statements once he arrived at the Sheriff's Office. The environment was not conducive to psychological coercion because he was offered dry clothes and given breaks for food and to use the restroom. The officers interviewing him were calm, patient, and pleasant.

Although the Defendant included excerpts of the interview in his Motion to Suppress, he did not include the following exchange that took place before the Defendant completed a written statement:

Q. Okay. If you want to give me a statement, great. We're not forcing you to. It's strictly voluntary on your part. If you want to give me a statement, go ahead and write it. You don't have to.

A. Okay.  
(Exhibit 2, Tr. 118: 4-9).

The Defendant also failed to include the following portion of the transcript of a conversation that took place immediately after the Defendant wrote his statement:

Q. You gave this statement totally voluntarily, right?

A. Yeah. He told me I don't have to do it.

Q. Okay. You don't even have to talk to us if you don't want to.

A. I want to. I do.

(Exhibit 2, Tr. 120: 11-17).

A totality of the circumstances test is also the appropriate way to evaluate whether or not a waiver was made knowingly. *Fare v. Michael C.*, 442 U.S. 707, 725, 99 S.Ct. 2560, 61 L.Ed.2d 197. In this case, the Defendant indicated he understood his rights in the cruiser. (Exhibit 1, Tr. 3: 7-16). He indicated that he knew those rights still applied during the interview at the Sheriff's Office. (Exhibit 2, Tr. 10: 14-23). He declined the opportunity to review his rights, stating that he remembered them. (Exhibit 2, Tr. 117: 24 – 118: 3). Later on, he repeated some of his rights before an officer reviewed them again. (Exhibit 2, Tr. 171: 24 – 172: 1).

In his Motion to Suppress, the Defendant asserts that he was unaware of his rights because he could only recite two of his rights after several hours of talking. However, his inability to recite the *Miranda* warnings in their entirety at this time is not probative of awareness. He was fully advised of that at the time of arrest and indicated he understood them. The police repeatedly made sure that the Defendant knew and understood his rights. The Defendant knew that his *Miranda* rights applied even though he had been taken to the Sheriff's Office and he later denied the opportunity to review his rights because he remembered them.

At the time of the interview, the Defendant was 17 years old. (Exhibit 2, Tr. 7: 14). He was on schedule to graduate a year early from school. (Exhibit 2, Tr. 97: 9-18). He was a "B" student. (Exhibit 2, Tr. 60: 21). He attended Lake Academy, not because of any problems, but because he wanted the flexibility to work during the school year. (Exhibit 2, Tr. 95: 13-22). He was preparing to apply to Lakeland Community College. (Exhibit 2, Tr. 26: 5; 95: 7, 21). The

Defendant cooperated with the officers of his own accord and never once refused to answer questions.

The totality of the circumstances shows that the Defendant was fully aware of all his rights and chose to waive them and speak to the police. The Defendant is an intelligent individual who was ahead in school and was preparing for college. He had the intellectual capacity to fully understand his rights and the consequences of waiving them.

Based on the absence of police coercion coupled with the Defendant's awareness of his rights and the consequences of his waiver, the Defendant's statements during the interview were made voluntarily and knowingly.

#### **CONCLUSION**

Based on the foregoing, the State of Ohio respectfully requests this Honorable Court deny the Defendant's Motion to Suppress.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas A. Burling", is written over a horizontal line.

Nicholas A. Burling (#0083659)  
Assistant Prosecuting Attorney  
Geauga County Prosecutor's Office  
231 Main Street, 3<sup>rd</sup> Floor  
Chardon, OH 44024  
(440) 279-2100

IN THE COURT OF COMMON PLEAS  
OF GEAUGA COUNTY, OHIO  
JUVENILE DIVISION

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IN RE: MATTER OF THOMAS M. LANE III

Case No. 12 JD 000102

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Transcription of the Police Cruiser Video  
Involving Thomas M. Lane III

Taken at:

Rennillo Deposition and Discovery

1301 East Ninth Street, Suite 100  
Cleveland, Ohio

Ashanti Edwards, RPR

1 VOICE: The suspect is in custody.  
2 Repeat. Suspect in custody, Woodin Road.

3 EXAMINATION OF THOMAS M. LANE III  
4 BY OFFICER BILICIC:

5 Q. There's nobody else?

6 A. There's no one else. It's just me.

7 Q. You have the right to remain  
8 silent. Anything you say can and will be used  
9 against you in a court of law. You have the  
10 right to talk to an attorney and have him  
11 present during questioning. If you can't  
12 afford one, one will be appointed at no cost.  
13 Do you understand that? If you decide to  
14 answer, you can stop answering at any time.

15 Got that?

16 A. Yes.

17 Q. What happened?

18 A. I shot people.

19 Q. Why?

20 A. I don't know.

21 Q. Are you having a problem or  
22 something?

23 A. No.

24 Q. No?

25 A. No.

IN THE COURT OF COMMON PLEAS  
OF GEAUGA COUNTY, OHIO  
JUVENILE DIVISION

~~~~~

IN RE: MATTER OF THOMAS M. LANE III

Case No. 12 JD 000102

~~~~~

Transcription of the Interview of  
Thomas M. Lane III

Taken at:

Rennillo Deposition and Discovery

1301 East Ninth Street, Suite 100

Cleveland, Ohio

Ashanti Edwards, RPR

1 T.J.: Michael.

2 DETECTIVE GRALEY: Last name is  
3 L-A-N-E?

4 T.J.: Yeah. The third.

5 DETECTIVE GRALEY: Okay. Your full  
6 first name, is it Thomas?

7 T.J.: Yeah.

8 DETECTIVE GRALEY: T-H-O-M-A-S?

9 T.J.: Yeah.

10 DETECTIVE GRALEY: Okay. What's  
11 your date of birth?

12 T.J.: September 19th.

13 DETECTIVE GRALEY: Okay.

14 T.J.: I'm 17.

15 DETECTIVE GRALEY: Okay. Where do  
16 you live at?

17 T.J.: 11546 Wilson Mills Road.

18 DETECTIVE GRALEY: What's your  
19 phone number there?

20 T.J.: [REDACTED]

21 DETECTIVE GRALEY: I'll go ahead  
22 and shut this to give us a little privacy.  
23 Okay.

24 And who has custody of you right  
25 now?

1 Okay?

2 T.J.: All right.

3 DETECTIVE KELLEY: What's your  
4 name?

5 T.J.: Thomas Michael Lane.

6 DETECTIVE KELLEY: L-A-N-E?

7 T.J.: Yeah.

8 DETECTIVE KELLEY: Do you know what  
9 today's date is?

10 T.J.: I don't know.

11 DETECTIVE KELLEY: Does the 27th  
12 sound right?

13 T.J.: I think so.

14 DETECTIVE VETTER: It is.

15 Did Detective Bilicic read you your  
16 Miranda rights?

17 T.J.: Yes.

18 DETECTIVE VETTER: You realize  
19 those Miranda rights still apply?

20 T.J.: Yes.

21 DETECTIVE VETTER: Even though  
22 you're out of his car and you're in here now?

23 T.J.: Yes.

24 DETECTIVE VETTER: This is  
25 Detective Kelley and I'm Detective Vetter.



1 DETECTIVE GRALEY: Did you apply to  
2 any colleges?

3 T.J.: I just recently started  
4 being interested in college. I was in the  
5 process of applying to Lakeland and I was going  
6 to go to -- transfer to whatever to become a  
7 psychologist. Now that's wasted.

8 CONTINUED EXAMINATION OF THOMAS M. LANE III  
9 BY OFFICER DELISA:

10 Q. Now, you said you had three  
11 magazines, right?

12 A. Two.

13 Q. Oh, two?

14 A. Yeah.

15 Q. There's one in the gun and you said  
16 you dropped one?

17 A. One outside near the high school or  
18 near the skate park. On that road. Somewhere  
19 there.

20 Q. What state park are you talking  
21 about?

22 A. Skate park.

23 Q. Oh. The skate park. Okay.

24 Did you go through the student  
25 parking lot, that area?

1 A. No.

2 Q. In any classes with them?

3 A. A while ago, I think, I recall  
4 having class with one. I don't know if he was  
5 actually at the table or if it was the table  
6 behind. I just remember seeing his face.

7 Q. What was his name?

8 A. D -- all I can recall is D  
9 something, I think. Demetrius. Something like  
10 that. I don't know.

11 OFFICER DELISA: You've never had  
12 any dealing with any of them before?

13 T.J.: No. He was just in my  
14 class. Didn't really talk too much.

15 OFFICER DELISA: Are you a senior?

16 T.J.: 11th grade, but I'm also in  
17 12th grade classes.

18 OFFICER DELISA: Okay.

19 DETECTIVE VETTER: What kind of  
20 grades do you get?

21 T.J.: Bs, I guess, would be an  
22 average.

23 BY DETECTIVE GRALEY:

24 Q. Have you ever sat in that cafeteria  
25 leading up to this thinking, okay, this is how

1 have a job you can get out a little early.  
2 12:25 you can ride a bus going home and try to  
3 get a headstart on work, which I've been trying  
4 to do, but the Dairy Queen thing --

5 Q. The job --

6 A. It went through, yeah. I planned  
7 to start saving money to pay for college.

8 Q. What picked you to go to Lake  
9 Academy as opposed to other kids?

10 A. What picked me to go there?

11 Q. Yeah. Why do you go there and not  
12 other kids?

13 A. Well, a lot of the kids go there  
14 for negative reasons, but I -- ninth grade I  
15 kind of wanted to -- was more motivated to work  
16 than like high school. That kind of sounded  
17 like what Lake Academy would be like. After  
18 going there and seeing the negative kids that  
19 go there I kind of wanted to come back. I  
20 guess I'm glad I stayed because now I got like  
21 the college plan. I made money going there a  
22 little quicker than most people.

23 Q. So you never really go to Chardon,  
24 nor have you gone to Chardon High School?

25 A. I went to Chardon the beginning of

1           A.       Yeah. I knew, like, people from  
2 middle school when I went to Chardon, but other  
3 than that, not very many people.

4           CONTINUED EXAMINATION OF THOMAS M. LANE III  
5 BY OFFICER DELISA:

6           Q.       I'm sorry. So you started going to  
7 Lake Academy the middle of ninth grade?

8           A.       Yeah.

9           Q.       Okay. And then, like you said,  
10 you're a junior this year, but you take -- do  
11 you still have another year of school then at  
12 Lake Academy then, next year?

13          A.       This was actually my last year  
14 because I'm taking 12th grade classes, too.

15          Q.       Okay. So you're graduating early  
16 then?

17          A.       Yeah. I was going to graduate this  
18 year.

19          Q.       Okay. So the people that you  
20 basically grew up with, you know, all through  
21 school, they still have another year of school  
22 then?

23          A.       Yes.

24          Q.       Okay.

25                   DETECTIVE VETTER: And why did you

1                   OFFICER DELISA: You know what.  
2     Right now it's 11:08. Then just put GCS,  
3     Geauga County Sheriff's Office. Maybe on the  
4     next line just put your name. And then your  
5     address right on there.

6                   And your nickname is T.J., right?

7                   T.J.: Yeah.

8                   OFFICER DELISA: Okay.

9                   T.J.: (Inaudible.)

10                  OFFICER DELISA: That's all right.  
11     Your date of birth.

12                  T.J.: Yeah.

13                  OFFICER DELISA: If you know your  
14     social security number you can put it there.

15                  T.J.: I don't.

16                  OFFICER DELISA: Okay. And then  
17     you are giving the statement to -- you just put  
18     PTL, period.

19                  T.J.: PTO?

20                  OFFICER DELISA: PTL. That's the  
21     abbreviation for patrolman. My last name is  
22     Delisa. It's D-E-L-I-S-A. All I'm doing is  
23     I'm identifying myself as a police officer.  
24     (Inaudible.) You know, the officer before  
25     advised you of your rights. You know, those

1 are your rights again if you want to read them  
2 over.

3 T.J.: I remember.

4 OFFICER DELISA: Okay. If you want  
5 to give me a statement, great. We're not  
6 forcing you to. It's strictly voluntary on  
7 your part. If you want to give me a statement,  
8 go ahead and write it. You don't have to.

9 T.J.: Okay.

10 OFFICER DELISA: I'll give you some  
11 time to do that. Here's some extra right  
12 there. If you need more paper I'll grab you  
13 some.

14 T.J.: Okay.

15 (Detectives and officer leave room.)

16 CONTINUED EXAMINATION OF THOMAS M. LANE III  
17 BY DETECTIVE VETTER:

18 Q. Do you want a cup of coffee or  
19 anything?

20 A. No.

21 Q. Do you have any questions?

22 A. Do I have any questions?

23 Q. Um-hmm.

24 A. No.

25 Q. Did you -- you have a computer at

1 home?

2 A. Yes, I do.

3 Q. And last night were you writing  
4 anyone on the computer? Tweeting or e-mailing  
5 or Facebooking?

6 A. No. I don't use my Facebook much  
7 and I don't have tweet -- Twitter.

8 Q. So did anyone have any indication  
9 that you may have been bringing a gun to school  
10 today?

11 A. No. No one would have had any  
12 idea.

13 Q. How many people do you think you  
14 hurt today?

15 A. I honestly have no idea.

16 Q. Do you think you killed anybody  
17 today?

18 A. I hope not. I -- I just fired so  
19 fast and random. I have no idea if anyone even  
20 fell or said anything. At least like ow or  
21 screamed.

22 Q. I wish there was something I could  
23 say to make it better.

24 A. I wish there was something I could  
25 say to take it back, go back in time.

1 Q. You've changed that school forever.

2 A. I know.

3 Q. I graduated from Chardon. They  
4 haven't changed a thing in that school since I  
5 graduated either. The cafeteria and the gym  
6 and that bathroom and that principal's office,  
7 the hallway. My locker was right next to the  
8 flipping office door and that hallway you ran  
9 up. And they let me keep the same locker all  
10 four years.

11 You gave this statement totally  
12 voluntarily, right?

13 A. Yeah. He told me I don't have to  
14 do it.

15 Q. Okay. You don't even have to talk  
16 to us if you don't want to.

17 A. I want to. I do.

18 Q. I can't help but feel bad though.

19 A. I know.

20 Q. For everybody. For you, for the  
21 kids, for the school, for everybody. It just  
22 didn't have to be this way. You know, we deal  
23 with a lot of kids. A lot of people, period.  
24 There's people that I could probably have  
25 picked, you know, to possibly do something like



1 Q. Any other accounts that you have?

2 A. No. The Gmail one is like brand  
3 new for Lakeland. It's got nothing on it, but  
4 there it is.

5 Q. Okay. Do you have any other  
6 Facebook accounts? You don't go by one just  
7 under your name?

8 A. What?

9 Q. Do you go by -- a Facebook account  
10 just under T.J. Lane or --

11 A. Huh-uh.

12 Q. Okay. You do remember talking with  
13 the first deputy, the one who gave you a ride  
14 here?

15 A. Yes.

16 Q. Do you remember his name?

17 A. No, I don't.

18 Q. Okay. He did go over your rights  
19 with you; is that correct?

20 A. Yes, he did.

21 Q. Do you remember what he told you?

22 A. The Miranda rights?

23 Q. Yeah.

24 A. That I have the right to speak or  
25 not to speak, anything I say can or will be

1     used against me. I don't know the rest.

2             Q.     Okay. I'm going to go ahead and  
3     read those here. You can read along with me.  
4     (Inaudible.)

5             A.     Okay.

6             Q.     It says, before we ask you any  
7     questions you must understand your rights. You  
8     have the right to remain silent. Anything you  
9     say can and will be used against you in court.  
10    You have the right to talk to a lawyer before  
11    we ask you any questions and to have one with  
12    you during questioning. If you cannot afford a  
13    lawyer, one will be appointed for you. Geauga  
14    County has a public defender. Before answering  
15    any questions you have a right to talk with the  
16    public defender. If you decide to answer  
17    questions now without a lawyer present you'll  
18    still have the right to stop answering at any  
19    time. You also have the right to stop  
20    answering any time until you talk to a lawyer.

21                    Do you understand those rights?

22             A.     Yes.

23             Q.     Okay. I just need you to write  
24     whether or not you understand that, please.

25                    Do you wish to talk to us?

1 A. Yeah.

2 Q. Okay. Sign there, please.

3 Is there anything that you don't  
4 understand about this page or about these  
5 rights?

6 A. No. I get it all.

7 Q. I'm sorry to interrupt your lunch  
8 there.

9 A. That's fine.

10 DETECTIVE GRALEY: I came in to get  
11 consent from him regarding his Facebook  
12 account.

13 OFFICER DELISA: Okay.

14 DETECTIVE GRALEY: They were  
15 calling for it up there. So we've done that.  
16 He did explain his rights that were read to him  
17 by Deputy Bilicic, but forgot some of them, so  
18 we did re-cover them again.

19 OFFICER DELISA: Okay.

20 DETECTIVE GRALEY: I'm going to  
21 step out and give him a chance to eat his  
22 lunch.

23 OFFICER DELISA: Okay.

24 T.J.: You guys can do whatever. . I  
25 really -- the lunch can wait.


## CERTIFICATE OF SERVICE

A copy of the foregoing **RESPONSE** was sent by regular U.S. mail, postage prepaid, or hand delivered to the correspondence box located at the Geauga County Court of Common Pleas, Chardon, Ohio, for routine personal pick-up on the 1 day of November, 2012, to the following:

Mark R. DeVan  
Berkman, Gordon, Murray, & DeVan  
55 Public Square, Suite 2200  
Cleveland, OH 44113

Ian N. Friedman  
Anne B. Walton  
Friedman & Frey, LLC  
1304 W. 6<sup>th</sup> Street  
Cleveland, OH 44113

ATTORNEYS FOR DEFENDANT

  
\_\_\_\_\_  
Nicholas A. Burling (#0083659)  
Assistant Prosecuting Attorney